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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	
PATRICK CARIOU,	:
	:
Plaintiff,	:
	:
-against-	:
	:
RICHARD PRINCE, GAGOSIAN GALLERY,	:
INC., LAWRENCE GAGOSIAN and	:
RIZZOLI INTERNATIONAL	:
PUBLICATIONS, INC.,	:
	:
Defendants.	:
-----X	

**08 Civ. 11327 (DAB)**

**REPLY DECLARATION OF  
DANIEL J. BROOKS IN  
SUPPORT OF PLAINTIFF'S  
MOTION FOR  
SUMMARY JUDGMENT**

DANIEL J. BROOKS, under the penalty of perjury, states as follows:

1. I am a member of the Bar of this Court and of Schnader Harrison Segal & Lewis LLP, counsel of record for the plaintiff, Patrick Cariou. I submit this reply declaration, based upon personal knowledge, in response to the papers filed by defendants Richard Prince, Gagosian Gallery, Inc. and Lawrence Gagosian in opposition to plaintiff's motion for summary judgment and in further support of that motion.
2. Attached hereto as Exhibit A are excerpts from the transcript of the deposition of defendant Richard Prince, taken in this action on October 6, 2009.
3. Attached hereto as Exhibit B are excerpts from the transcript of the deposition of defendant Lawrence Gagosian, taken in this action on October 8, 2009.

4. Attached hereto as Exhibit C is a copy of an article that appeared in *The New York Times* on December 6, 2007, entitled *If the Copy Is an Artwork, Then What's the Original?* The article, concerning the Richard Prince retrospective at the Solomon R. Guggenheim Museum, was marked as Exhibit 7 to Mr. Prince's deposition.

5. Attached hereto as Exhibit D is a copy of an interview of Mr. Prince by Brian Appel, which was marked as Exhibit 8 to Mr. Prince's deposition.

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 24, 2010, at New York, New York.

  
DANIEL J. BROOKS